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VIA ECF

Honorable Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Lamar Johnson v. City of New York et al.,
22-CV-5743(PGG)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix Corporation Counsel of the City of New York assigned to the defense of the above referenced matter. For the reasons set forth herein, defendant City of New York writes first to respectfully request an adjournment in the Initial Conference currently scheduled for April 6, 2023, and second, to provide the Court with a status update on the parties' attempts at mediation. *See* Civil Docket Entry Nos. 21, 22. Plaintiff's counsel, Glenn Meyers Esq., consents to defendant's request for an adjournment and joins in the status update.

By way of brief background, on July 6, 2022 plaintiff filed his complaint alleging, *inter alia*, that, on or about July 6, 2019, he was falsely arrested and subjected to excessive force during the course of an unlawful arrest and that he was thereafter maliciously prosecuted until the underlying criminal charges brought against him were dismissed. *See* Civil Docket Entry No. 1. On July 7, 2022, the Court marked this case for inclusion in the Southern District's Section 1983 Plan pursuant to Local Civil Rule 83.10. *See* Civil Docket Entry dated July 7, 2022.¹ On July 15, 2022 Your Honor scheduled an initial conference for October 6, 2022. *See* Civil Docket Entry No. 3. That conference was adjourned, upon request of plaintiff's counsel, until November 3, 2022. *See* Civil Docket Entry No. 9.

¹ The docket does not reflect that this matter has since been removed from participation in Local Civil Rule 83.10.

April 4, 2023

MEMO ENDORSED

*The conference is adjourned
to May 18, 2023 at 10:30 a.m.
Any amended complaint is to be
filed by May 1, 2023.*

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: *April 5, 2023*

As to the requested adjournment of the initial conference, counsel for defendant City is currently scheduled to attend a Settlement Conference in the matter of *Minfee v. Soberol*, 20-CV-00274 (RPK)(CLP), in front of the Honorable Judge Pollak on April 6, 2023 beginning at 10:15 am. The parties have conferred and are available May 18, 19, 22, 23, or 24.

As to the parties attempts at mediation, the parties met and conferred multiple times. Ultimately, it was determined that until the complaint is amended, officers are identified, named, and served, defendant City will not have sufficient information to engage in the process of obtaining authority. Initial Disclosures were served on December 27, 2022 and supplemental disclosures should be served by April 14, 2023. Plaintiff should soon be in a position to file an amended complaint.

As such, defendant respectfully requests, with plaintiff's consent, an adjournment in the Initial Conference currently scheduled for April 6, 2023.

Defendant thanks the Court for its time and consideration of this request.

Respectfully submitted,

/s/ KellyAnne Holohan
KellyAnne Holohan, Esq.
Assistant Corporation Counsel